

**BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION**

**CLAIM NO. H103280**

**SHARON BOWLES, EMPLOYEE**

**CLAIMANT**

**SAINT JEAN INDUSTRIES,  
EMPLOYER**

**RESPONDENT**

**AMERISURE MUTUAL INSURANCE,  
CARRIER/TPA**

**RESPONDENT**

**OPINION FILED JANUARY 24, 2023**

**Hearing before Administrative Law Judge James D. Kennedy in Little Rock, Pulaski County, Arkansas, on January 17, 2023.**

**Claimant is represented by Mr. Kenneth A. Olsen, Attorney-at-Law, of Bryant, Arkansas.**

**Respondents are represented by Ms. Karen H. McKinney, Attorney-at-Law, of Little Rock, Arkansas.**

**STATEMENT OF THE CASE**

A hearing was held in the above-styled matter on January 17, 2023, in Little Rock, Arkansas, on respondent's Motion to Dismiss for failure to prosecute pursuant to Rule 099.13 of the Arkansas Workers' Compensation Act and also Ark. Code Ann. § 11-9-702. The claimant, through her attorney, waived her right of appearance by an email the morning of the hearing and announced that there was no objection to the matter being dismissed without prejudice. The claimant filed her prehearing questionnaire on January 4, 2022, and prior to the prehearing conference retained an attorney. The respondent requested a copy of the claimant's medical on or about July 27, 2022, and was advised that the attorney for the claimant had not received any as of that date. The respondents, who initially accepted the claim, filed a Motion to Dismiss on October 22,

2022, contending that the claimant had failed to prosecute her claim and had not requested a hearing within the last six (6) months.

The respondent filed its Motion to Dismiss and a hearing was held in Little Rock on January 17, 2023. The claimant waived her right of appearance as stated above and further stated by email that there was no objection to the matter being dismissed without prejudice.

After a review of the record as a whole, to include all evidence properly before the Commission, and having had an opportunity to hear the statements of the respondent's attorney, there is no alternative but to find that the Motion to Dismiss should be granted at this time, and the matter should be dismissed without prejudice.

**ORDER**

Pursuant to the above, there is no alternative but to find that the Motion to Dismiss should be granted and this matter should be dismissed without prejudice at this time. The file is incorporated by reference in this matter.

IT IS SO ORDERED:

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JAMES D. KENNEDY  
ADMINISTRATIVE LAW JUDGE